

WC-04-22

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PAMELA L. GIST  
DAVID A. LAFURIA  
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B. LYNN F. RATNAVALE  
TODD SLAMOWITZ  
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STEVEN M. CHERNOFF

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January 27, 2004

William Dever, Assistant Division Chief  
Competition Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W., Room 5-C266  
Washington, D.C. 20554

Re: Application for Authorization of Transfer of Control  
Pursuant to Section 214 of the Communications Act

Dear Mr. Dever:

Transmitted herewith is an application requesting Section 214 authorization relating to a proposed transfer of control of Volcano Long Distance as a reseller of telecommunications services to domestic points on a nondominant basis, and of Volcano Telephone Company, an affiliated local exchange carrier with operations in the State of California. It is requested that the application be processed on a streamlined basis.

Should any questions arise, please communicate with this office.

Very truly yours,



David L. Nace

**LUKAS, NACE, GUTIERREZ & SACHS**

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1111 NINETEENTH STREET, N.W.

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**STAMP AND RETURN**

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 MARYLYN EICHEN MENSE  
 B. LYNN F. RICHMOND  
 TODD BLANKOWITZ  
 DAVID M. BRIDLA  
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January 27, 2004

William Dever, Assistant Division Chief  
 Competition Policy Division  
 Wireline Competition Bureau  
 Federal Communications Commission  
 445 12<sup>th</sup> Street S.W., Room 1-C-66  
 Washington, D.C. 20554

**RECEIVED - FCC****JAN 28 2004**

Federal Communication Commission  
 Bureau / Office

Re: Application for Authorization of Transfer of Control  
 Pursuant to Section 214 of the Communications Act

Dear Mr. Dever:

Transmitted herewith is an application requesting Section 214 authorization relating to a proposed transfer of control of Volcano Long Distance as a reseller of telecommunications services to domestic points on a non-discriminatory basis, and of Volcano Telephone Company, an affiliated local exchange carrier with operations in the State of California. It is requested that the application be processed on a streamlined basis.

Should any questions arise, please communicate with this office.

Very truly yours,

  
 David L. Nace

## STAMP AND RETURN

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REMITTANCE ADVICERevised by FCC  
3/93/999  
Page 1 of 1

(1) LETTER#		358145 FCC/A/E/LON JAN 28 2004	
(2) PAYEE NAME (PRINT NAME AND ADDRESS)		SECTION 4 - PAYEE INFORMATION	
Polanco Telecom		PAYEE ACCOUNT (FBI FILE NUMBER)	
P.O. Box 1828		0000-00	
San Juan, Puerto Rico			
(3) CITY		(4) STATE	(5) ZIP CODE
San Juan		PR	00900
(6) PAYEE PHONE NUMBER		(7) COUNTRY (FBI FILE NUMBER)	
(800) 236-7502		USA	
(8) PAYEE FAX		PAYEE COUNTRY (FBI FILE NUMBER)	
0001-5402-14		USA	
(9) PAYEE NAME		(10) PAYEE ADDRESS	
Polanco Telecom		P.O. Box 1828	
(11) CITY		(12) STATE	(13) ZIP CODE
San Juan		PR	00900
(14) PAYEE PHONE NUMBER		(15) COUNTRY (FBI FILE NUMBER)	
(800) 236-7502		USA	
(16) APPLICANT NAME		PAYEE COUNTRY (FBI FILE NUMBER)	
0001-5402-14		USA	
(17) PAYEE NAME		(18) PAYEE ADDRESS	
F of C Authorization		PAYEE COUNTRY (FBI FILE NUMBER)	
(19) PAYEE PHONE NUMBER		(20) PAYEE FAX	
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(87) PAYEE PHONE NUMBER		(88) PAYEE FAX	
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(91) PAYEE PHONE NUMBER		(92) PAYEE FAX	
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(95) PAYEE PHONE NUMBER		(96) PAYEE FAX	
(800) 236-7502		0001-5402-14	
(97) PAYEE NAME		(98) PAYEE ADDRESS	
F of C Authorization		PAYEE COUNTRY (FBI FILE NUMBER)	
(99) PAYEE PHONE NUMBER		(100) PAYEE FAX	
(800) 236-7502		0001-5402-14	

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
)  
VOLCANO LONG DISTANCE )  
)  
Section 214 Authorization Holder; )  
)  
VOLCANO TELEPHONE COMPANY )  
)  
Local Exchange Carrier and affiliate of )  
Volcano Long Distance Company; ) File Nos. \_\_\_\_\_  
)  
RICHARD L. and SHARON J. LUNDGREN, et al., )  
)  
Transferors through an intermediate )  
controlling company named Volcano )  
Communications Company; and )  
)  
TEN FIFTEEN, L.P., a limited partnership under )  
the control of JOHN M. LUNDGREN )  
)  
Transferee through the same intermediate )  
controlling company, Volcano Communications )  
Company )  
)  
Applications for Approval for Transfer of Control )  
of Entity holding Section 214 Authorizations for )  
Resale of Domestic and International )  
Telecommunications Services and of its Affiliated )  
Local Exchange Carrier )

**APPLICATIONS FOR APPROVAL FOR TRANSFER OF CONTROL OF ENTITY  
HOLDING SECTION 214 AUTHORIZATIONS FOR RESALE OF DOMESTIC  
AND INTERNATIONAL TELECOMMUNICATIONS SERVICES AND OF ITS  
AFFILIATED LOCAL EXCHANGE CARRIER**

Pursuant to the rules of the Federal Communications Commission ("Commission"), 47  
C.F.R. Part 63, Volcano Long Distance ("Volcano LD"), Volcano Telephone Company ("Volcano  
Telephone"), Richard L. and Sharon J. Lundgren, et al. ("Transferors"), and Ten Fifteen, L.P. under

the control of John M. Lundgren ("Transferee"), hereby submit applications for approval for a transfer of control of (i) authorizations granted to Volcano LD under Section 214 of the Communications Act to provide resold telecommunications services to domestic and international points on a nondominant basis, and of (ii) Volcano Telephone, an affiliated local exchange carrier with operations in the State of California.<sup>1</sup> It is requested that the applications be processed on a streamlined basis.

**Summary of Proposed Transaction:**

Volcano LD and Volcano Telephone are wholly owned subsidiaries of Volcano Communications Company ("VCC"). The proposed transaction involves a change in the ownership of VCC which will remain as an intermediate controlling company of Volcano LD and Volcano Telephone. It is proposed that stock interests amounting to a 55% interest in VCC will be transferred from members of the Lundgren family to a family limited partnership named Ten Fifteen, L.P. As explained below, John M. Lundgren in his capacity as the controlling party of the only general partner of Ten Fifteen, L.P. will exercise ultimate control over Volcano LD and Volcano Telephone when the transaction is completed.

As background, Volcano LD has been under the control of VCC since it was organized in 1997.<sup>2</sup> Volcano Telephone has been under the control of VCC since the early 1980s. VCC is now owned, as to 55 percent, by Richard L. and Sharon J. Lundgren (husband and wife) and their adult children John M. Lundgren and Angela L. Lundgren (collectively, the "Lundgren Family

---

1 Section 214 authorization for a transfer of control of Volcano Telephone is requested to the extent, if any, that the Commission has Section 214 jurisdiction over the operations of Volcano Telephone.

2 The entity was incorporated with the name "Sure Call" on February 13, 1997. The name was changed to Volcano Long Distance by amendment to the articles of incorporation filed with the California Secretary of State (and effective on) June 15, 2000.

Shareholders"), and, as to 45 percent, by Telephone & Data Systems, Inc. ("TDS"), a holding company that, in its own right, controls numerous other FCC-regulated entities.

For estate planning purposes, the Lundgren Family Shareholders desire to exchange their collective 55 percent ownership interests in VCC to Ten Fifteen, L.P. in return for proportionate ownership interests in that entity. The sole general partner of Ten Fifteen, L.P. is a limited liability company named Ten Fifteen, LLC, of which John M. Lundgren is the sole member and manager; it will hold a 1% interest in Ten Fifteen, L.P. There are four limited partners of Ten Fifteen, L.P.: Sharon J. Lundgren (57% interest); Richard L. Lundgren (15% interest); John M. Lundgren (13% interest); and Angela L. Lundgren (14% interest). Each of the above-identified members of the Lundgren family is a United States citizen.

In his capacity as sole member and manager of Ten Fifteen, LLC, Mr. Lundgren will assume responsibility for ultimate control of Volcano LD and Volcano Telephone. The proposed ownership changes are depicted on a chart that is provided as an exhibit hereto.

Volcano Telephone is a rural telephone company that serves customers through four exchanges in portions of Amador, Alpine, Calaveras and El Dorado Counties in California. A map outlining the exchange areas is attached hereto. Its affiliated company, Volcano LD, resells intrastate, interstate and international long distance toll services to households and businesses located within Volcano Telephone's local exchange areas. Volcano LD relies on "blanket" Section 214 authorization granted by the Commission for domestic resale operations,<sup>3</sup> and Volcano LD was granted Section 214 authorization in File No. ITC-214-20001024-00631 for international resale

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<sup>3</sup> As described on the website of the Wireline Competition Bureau, in 1999, as to domestic resale services, the Commission eliminated all entry certification filing requirements under Section 214 of the Communications Act, "Implementation of Section 402(b)(2)(A) of the Telecommunications Act of 1996" CC Docket No. 97-11, FCC 99-104, released June 30, 1999.

service.<sup>4</sup>

There will be no interruption of services to the public as the result of the proposed ownership change in VCC. Volcano LD and Volcano Telephone will continue to operate as separate but affiliated companies, and will maintain separate books of accounts.

In accordance with Section 63.04(b) of the Commission's rules, the applicants are providing information responsive to the pertinent rules in Part 63 that concern transfer of control applications. Separate FCC filing fees of \$860.00 each will be submitted for processing of each portion of this application.

**I. Application for Transfer of Control of Domestic Section 214 Authorization:**

With reference to domestic Section 214 authority, the following information is submitted as required by Section 63.04(a) of the rules:

*(1) The name, address and telephone number of each applicant:*

Volcano Long Distance  
P.O. Box 890  
Pine Grove, CA 95665  
209-296-7502

Volcano Telephone Company  
P.O. Box 1070  
Pine Grove, CA 95665  
209-296-7502

Richard L. and Sharon J. Lundgren, et al.  
P.O. Box 695  
Pine Grove, CA 95665  
209-296-7502

---

<sup>4</sup> See, Public Notice Report No. TEL-00339, DA No. 00-2875, issued December 21, 2000, which corrected the name of the Section 214 authorization holder as Volcano Long Distance [Company], and Public Notice Report No. TEL-00321, DA No. 00-2703, issued November 30, 2000, which announced grant of the international 214 application.

Ten Fifteen, L.P.  
P.O. Box 695  
Pine Grove, CA 95665  
209-296-7502

John M. Lundgren  
P.O. Box 695  
Pine Grove, CA 95665  
209-296-7502

- (2) *The government, state, or territory under the laws of which each corporate or partnership applicant is organized:*

Volcano LD and Volcano Telephone are corporations organized under the laws of California. Ten Fifteen, L.P. is a limited partnership organized under the laws of California. Other entities in the chain of control of Volcano LD and Volcano Telephone, specifically VCC and Ten Fifteen, LLC, are also organized under the laws of California.

- (3) *The name, title, post office address, and telephone number of the officer or contact point, such as legal counsel, to whom correspondence concerning the application is to be addressed:*

Please direct any correspondence or inquiries to federal telecommunications counsel for the applicants:

David L. Nace, Esq.  
Lukas, Nace, Gutierrez, & Sachs, Chartered  
1111 19<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20036  
(202) 828-9469

- (4) *The name, address, citizenship and principal business of any person or entity that directly or indirectly owns at least ten (10) percent of the equity of the applicant, and the percentage of equity owned by each of those entities (to the nearest one (1) percent):*

Volcano LD and Volcano Telephone are and will remain wholly owned subsidiaries of VCC, P.O. Box 890, Pine Grove, CA 95665. VCC is a corporation organized under the laws of California whose principal business is the control of telecommunications companies.

45% of VCC's stock is presently (and will continue to be) owned by Telephone



& Data Systems, Inc., 30 North LaSalle Street, Suite 400, Chicago IL 60602. TDS is and will remain a non-controlling stockholder of VCC. TDS is a corporation organized in the United States and its principal business is the control of telecommunications companies.

The other 55% of VCC's stock is presently owned by the Lundgren Family Shareholders, each of whom is a United States citizen. The address of each is P.O. Box 695, Pine Grove, CA 95665. The principal business of each is telecommunications.

By the proposed transaction, the Lundgren Family Shareholders will exchange their controlling stockholdings in VCC for proportionate ownership interests in Ten Fifteen, L.P. The sole general partner of Ten Fifteen, L.P. is a limited liability company named Ten Fifteen, LLC, of which John M. Lundgren is the sole member and manager; it will hold a 1% interest in Ten Fifteen, L.P. There are four limited partners of Ten Fifteen, L.P.: Sharon J. Lundgren (57% interest); Richard L. Lundgren (15% interest); John M. Lundgren (13% interest); and Angela L. Lundgren (14% interest). Each of the above-identified members of the Lundgren family is a United States citizen. Both Ten Fifteen, L.P. and Ten Fifteen, LLC are organized under California law, and their principal business is telecommunications. The address of each is P.O. Box 695, Pine Grove, CA 95665

- (5) *Certification pursuant to §§1.2001 through 1.2003 of this chapter that no party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 USC §853.*

No party to this application is subject to a denial of Federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988.

- (6) *A description of the transaction:*

Please refer to the response to Section 63.04(a)(4). In his capacity as sole member and manager of Ten Fifteen, LLC, John M. Lundgren will assume responsibility for ultimate control of Volcano LD and Volcano Telephone. No interruption in services to the public will result from the transaction.

- (7) *A description of the geographic areas in which the transferor and transferee (and their affiliates) offer domestic telecommunications services, and what services are provided in each area:*

Volcano Telephone is a rural telephone company that serves customers through four exchanges in portions of Amador, Alpine, Calaveras and El Dorado Counties in California. Its affiliated company, Volcano LD, resells intrastate,

interstate and international long distance toll services to households and businesses located within Volcano Telephone's local exchange areas. As described herein, the proposed transaction involves indirect ownership in the telecommunications companies.

- (8) *A statement as to how the application fits into one or more of the presumptive streamlined categories in this section or why it is otherwise appropriate for streamlined treatment.*

Reference is made to the criteria specified in Section 63.03(b)(2)(iii) as follows:

*(2) Where a proposed transaction would result in a transferee having a market share in the interstate, interexchange market of less than 10 percent, and the transferee would provide competitive telephone exchange services or exchange access services (if at all) exclusively in geographic areas served by a dominant local exchange carrier that is not a party to the transaction, the streamlined procedures provided in this rule shall be presumed to apply to transfer of control applications in which:*

*\* \* \**

*(iii) The applicants are incumbent independent local exchange carriers (as defined in §64.1902 of this chapter) that have, in combination, fewer than two (2) percent of the nation's subscriber lines installed in the aggregate nationwide, and no overlapping or adjacent service areas.*

Applicants assert that the proposed transaction is eligible for presumptive streamlined treatment under Section 63.03(b)(2)(iii) of the Commission's rules. The applicants submit that they, including their affiliates, satisfy the terms of such rule and are eligible for streamlined processing. The proposed transaction will result in the Transferee, Ten Fifteen, L.P. under the control of John M. Lundgren, and affiliates of the Transferee, thereof having less than 10% of the market share in the interstate, interexchange market. Applicants, including their affiliates, are not and will not be engaged in competitive local exchange service in the market.

- (9) *Identification of all other Commission applications related to the same transaction;*

In addition to the instant applications for domestic and international Section 214 authorization the parties have filed a separate application to request FCC consent to a transfer of control of Volcano Telephone with regard to radio licenses held by that company. (File No. 0001536093)

- (10) *A statement of whether the applicants are requesting special consideration because either party to the transaction is facing imminent business failure:*

Not applicable

- (11) *Identification of any separately filed waiver requests being sought in conjunction with the transaction:*

None

- (12) *A statement showing how grant of the application will serve the public interest, convenience and necessity, including any additional information that may be necessary to show the effect of the proposed transaction on competition in domestic markets:*

By consolidating the ownership interests of the Lundgren Family Shareholders into one entity (i.e., Ten Fifteen, L.P.) in the manner described above, the transfer of management and control of Volcano LD from the senior Lundgrens to their children will occur in a smooth transition. Because of limitations on transferability of the limited partnership interests and because the limited partners may not exercise control over the affairs and activities of the limited partnership, the relative fair market value of the senior Lundgren shareholders' indirect interests in Volcano LD will be significantly reduced, thus reducing the possibility that estate taxes due upon death will prevent transfer of their indirect ownership of Volcano LD to the next generation.

John M. Lundgren, who will exercise ultimate control over Volcano LD and Volcano Telephone, is experienced in the management of the subject telecommunications companies. Upon completion of the proposed transaction Volcano LD and Volcano Telephone will provide high quality telecommunications services as are currently offered. The proposed transaction has no potential to harm the public interest, or to impair competition in any local exchange or long distance toll markets. Mr. Lundgren plans no change in the regulated local exchange and exchange access services, rates and practices of the subject companies as a result of the proposed transaction. Separate accounts will be maintained for regulated local exchange service and for non-regulated long distance services by the separate companies involved..

## **II. Application for Assignment of International Section 214 Authorization:**

With reference to international Section 214 authority, the following information is submitted as required by Sections 63.24(b) and (e), and by Sections 63.18 (a) through (d), and (h) through (p),

of the Commission's rules:

*(a) The name, address, and telephone number of each applicant:*

Volcano Long Distance  
P.O. Box 890  
Pine Grove, CA 95665  
209-296-7502

Volcano Telephone Company  
P.O. Box 1070  
Pine Grove, CA 95665  
209-296-7502

Richard L. and Sharon J. Lundgren, et al.  
P.O. Box 695  
Pine Grove, CA 95665  
209-296-7502

Ten Fifteen, L.P.  
P.O. Box 695  
Pine Grove, CA 95665  
209-296-7502

John M. Lundgren  
P.O. Box 695  
Pine Grove, CA 95665  
209-296-7502

*(b) The Government, State, or Territory under the laws of which each corporate or partnership applicant is organized:*

Volcano LD and Volcano Telephone are corporations organized under the laws of California. Ten Fifteen, L.P. is a limited partnership organized under the laws of California. Other entities in the chain of control of Volcano LD and Volcano Telephone, specifically VCC and Ten Fifteen, LLC, are also organized under the laws of California.

*(c) The name, title, post office address, and telephone number of the officer and any other contact point, such as legal counsel, to whom correspondence concerning the application is to be addressed:*

Please direct any correspondence or inquiries to special telecommunications counsel for the applicants:

David L. Nace, Esq.  
Lukas, Nace, Gutierrez, & Sachs, Chartered  
1111 19<sup>th</sup> Street, N.W., Suite 1200  
Washington, D.C. 20036  
(202) 828-9469

- (d) *A statement as to whether the applicant has previously received authority under Section 214 of the Act and, if so, a general description of the categories of facilities and services authorized (i.e., authorized to provide international switched services on a facilities basis):*

Volcano LD was granted Section 214 authorization in File No. ITC-214-20001024-00631 for international resale service.<sup>5</sup>

- (h) *The name, address, citizenship and principal businesses of any person or entity that directly or indirectly owns at least ten percent of the equity of the applicant, and the percentage of equity owned by each of those entities (to the nearest one percent) The applicant shall also identify any interlocking directorates with a foreign carrier:*

Volcano LD and Volcano Telephone are and will remain wholly owned subsidiaries of VCC, P.O. Box 890, Pine Grove, CA 95665. VCC is a corporation organized under the laws of California whose principal business is the control of telecommunications companies.

45% of VCC's stock is presently (and will continue to be) owned by Telephone & Data Systems, Inc., 30 North LaSalle Street, Suite 400, Chicago IL 60602. TDS is and will remain a non-controlling stockholder of VCC. TDS is a corporation organized in the United States and its principal business is the control of telecommunications companies.

The other 55% of VCC's stock is presently owned by the Lundgren Family Shareholders, each of whom is a United States citizen. The address of each is P.O. Box 695, Pine Grove, CA 95665. The principal business of each is telecommunications.

By the proposed transaction, the Lundgren Family Shareholders will exchange their controlling stockholdings in VCC for proportionate ownership interests in Ten Fifteen, L.P. The sole general partner of Ten Fifteen, L.P. is a limited liability company named Ten Fifteen, LLC, of which John M. Lundgren is the

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5 See fn 2, supra

sole member and manager; it will hold a 1% interest in Ten Fifteen, L.P. There are four limited partners of Ten Fifteen, L.P.: Sharon J. Lundgren (57% interest); Richard L. Lundgren (15% interest); John M. Lundgren (13% interest); and Angela L. Lundgren (14% interest). Each of the above-identified members of the Lundgren family is a United States citizen. Both Ten Fifteen, L.P. and Ten Fifteen, LLC are organized under California law, and their principal business is telecommunications. The address of each is P.O. Box 695, Pine Grove, CA 95665.

No party to this application has any interlocking directorates with a foreign carrier.

- (i) *A certification as to whether or not the applicant is, or is affiliated with, a foreign carrier. The certification shall state with specificity each foreign country in which the applicant is, or is affiliated with, a foreign carrier:*

The parties to this application hereby certify on their own behalf and on behalf of affiliates that none has any affiliation, either directly or indirectly, with any foreign carrier or U.S. carrier whose facilities-based services Volcano LD resells or proposes to resell.

- (j) *A certification as to whether or not the applicant seeks to provide international telecommunications services to any destination country for which any of the following is true. The certification shall state with specificity the foreign carriers and destination countries:*

The parties to this application hereby certify that they do not seek to provide international telecommunications services to any destination country for which any of the following is true:

- (1) *The applicant is a foreign carrier in that country; or*

Not applicable.

- (2) *The applicant controls a foreign carrier in that country; or*

Not applicable.

- (3) *Any entity that owns more than 25 percent of the applicant, or that controls the applicant, controls a foreign carrier in that country*

Not applicable.

- (4) *Two or more foreign carriers (or parties that control foreign carriers) own, in*

*the aggregate, more than 25 percent of the applicant and are parties to, or the beneficiaries of, a contractual relation (e.g., a joint venture or market alliance) affecting the provision or marketing of international basic telecommunications services in the United States.*

Not applicable.

- (k) *For any destination country listed by the applicant in response to paragraph (j) of this section, the applicant shall make one of the following showings:*

Not applicable.

- (1) *The named foreign country (i.e., the destination foreign country) is a Member of the World Trade Organization; or*

Not applicable.

- (2) *The applicant's affiliated foreign carrier lacks market power in the named foreign country; or*

Not applicable.

- (3) *The named foreign country provides effective competitive opportunities to U.S. carriers to compete in that country's market for the service that the applicant seeks to provide (facilities-based, resold switched, or resold non-interconnected private line services). An effective competitive opportunities demonstration should address the following factors:*

*(i) If the applicant seeks to provide facilities-based international services, the legal ability of U.S. carriers to enter the foreign market and provide facilities-based international services, in particular international message telephone service (IMTS);*

*(ii) If the applicant seeks to provide resold services, the legal ability of U.S. carriers to enter the foreign market and provide resold international switched services (for switched resale applications) or non-interconnected private line services (for non-interconnected private line resale applications);*

*(iii) Whether there exist reasonable and nondiscriminatory charges, terms and conditions for interconnection to a foreign carrier's domestic facilities for termination and origination of international services or the provision of the relevant resale service,*

*(iv) Whether competitive safeguards exist in the foreign country to protect*

*against anticompetitive practices, including safeguards such as:*

*(A) Existence of cost-allocation rules in the foreign country to prevent cross-subsidization;*

*(B) Timely and nondiscriminatory disclosure of technical information needed to use, or interconnect with, carriers' facilities; and*

*(C) Protection of carrier and customer proprietary information;*

*(v) Whether there is an effective regulatory framework in the foreign country to develop, implement and enforce legal requirements, interconnection arrangements and other safeguards; and*

*(vi) Any other factors the applicant deems relevant to its demonstration.*

Not Applicable as to all subsections.

- (l) Any applicant that proposes to resell the international switched services of an unaffiliated U.S. carrier for the purpose of providing international telecommunications services to a country where it is a foreign carrier or is affiliated with a foreign carrier shall either provide a showing that would satisfy §63.10(a)(3) of this part or state that it will file the quarterly traffic reports required by §43.61(c) of this chapter*

Not Applicable.

- (m) With respect to regulatory classification under §63.10 of this part, any applicant that is or is affiliated with a foreign carrier in a country listed in response to paragraph (i) of this section and that desires to be regulated as non-dominant for the provision of particular international telecommunications services to that country should provide information in its application to demonstrate that it qualifies for non-dominant classification pursuant to §63.10 of this part.*

Not Applicable.

- (n) A certification that the applicant has not agreed to accept special concessions directly or indirectly from any foreign carrier with respect to any U.S. international route where the foreign carrier possesses market power on the foreign end of the route and will not enter into such agreements in the future.*

The parties to this application certify that they have not agreed and will not agree to accept special concessions directly or indirectly from any foreign



carrier or administration with respect to traffic or revenue flows between the U.S. and any foreign country which Volcano LD may serve under the authority granted hereunder.

- (o) *A certification pursuant to §§1 2001 through 1.2003 of this chapter that no party to the application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988. See 21 USC §853a.*

No party to this application is subject to a denial of Federal benefits under Section 5301 of the Anti-Drug Abuse Act of 1988.

- (p) *If the applicant desires streamlined processing pursuant to §63.12, a statement of how the application qualifies for streamlined processing*

Volcano LD qualifies for streamlined processing procedures in accordance to §63.12 and its requirements.

#### **Conclusion**

As reflected herein, the Transferee is qualified to control the operations of Volcano LD and Volcano Telephone. Accordingly, grant of the instant application is consistent with public interest considerations.

**[signature page follows]**

Respectfully submitted,

**VOLCANO LONG DISTANCE**

By: John M. Lundgren

Name: JOHN M. LUNDGREN

Title: VICE PRESIDENT

**VOLCANO TELEPHONE COMPANY**

By: John M. Lundgren

Name: JOHN M. LUNDGREN

Title: VICE PRESIDENT

**RICHARD L. and SHARON J. LUNDGREN, et al**

By: Richard L. Lundgren  
Richard L. Lundgren

By: Sharon J. Lundgren  
Sharon J. Lundgren

Titles: Transferors on behalf of the group of family members who are controlling shareholders

**TEN FIFTEEN, L.P.**

By: John M. Lundgren  
John M. Lundgren

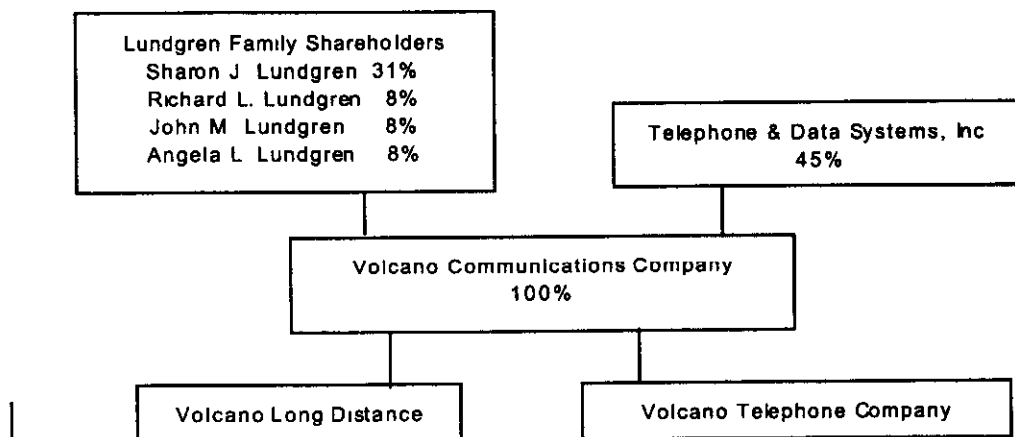
Title: Sole Member and Manager of Ten Fifteen, LLC, General Partner of Ten Fifteen, L.P.

Attorney for the Applicants:

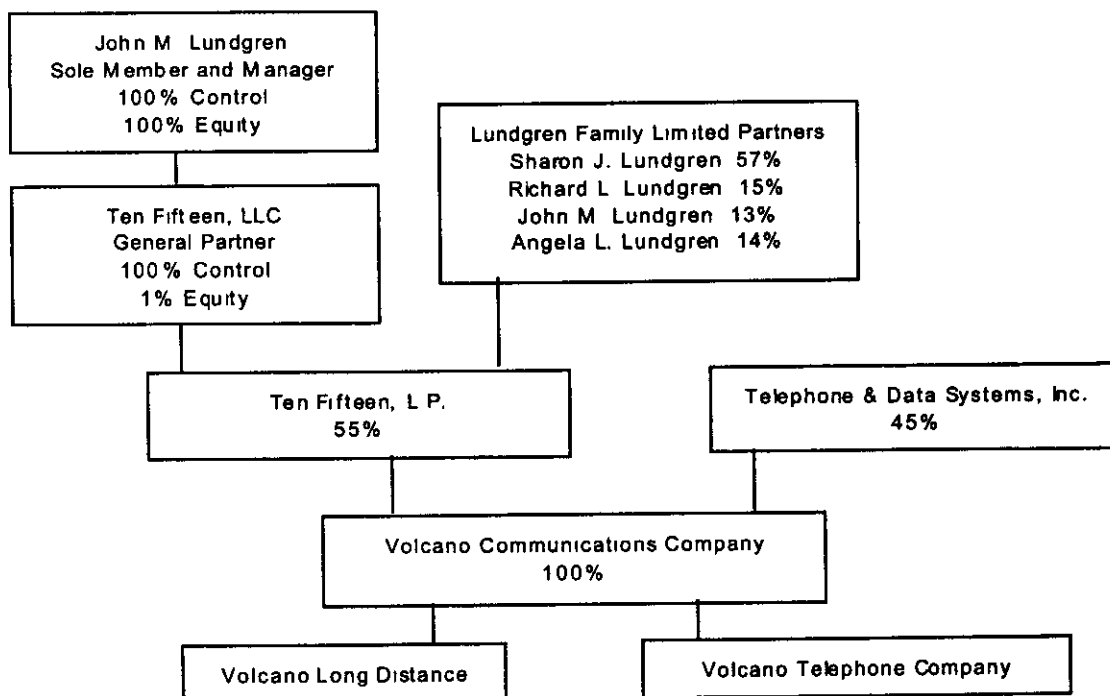
David L. Nace, Esq.  
Lukas, Nace, Gutierrez & Sachs, Chartered  
1111 19th Street, N.W., Suite 1200  
Washington, D.C. 20036  
(202) 828-9469; Email: [dnace@fcclaw.com](mailto:dnace@fcclaw.com)  
Date: January 21, 2004

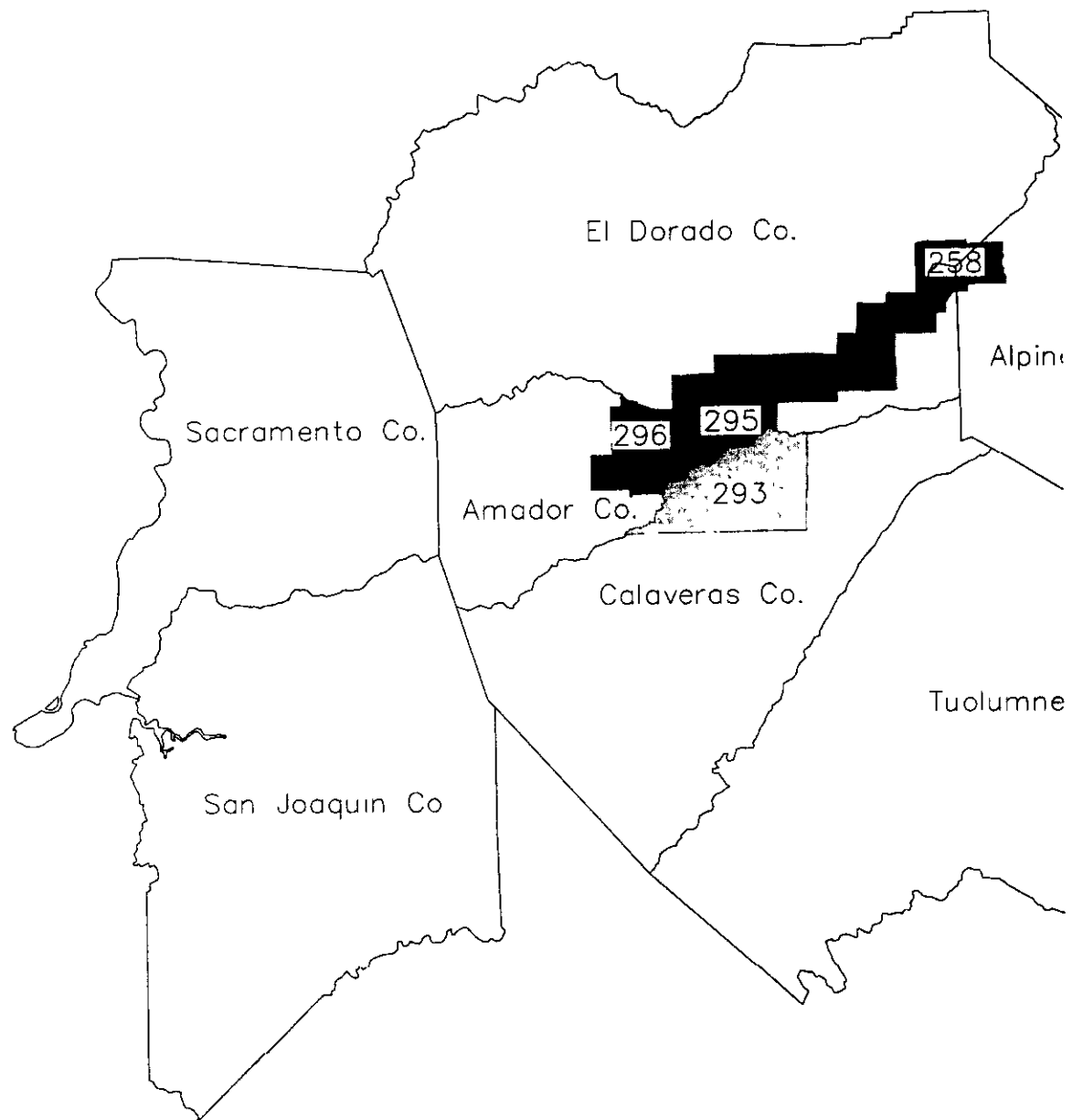
**VOLCANO LONG DISTANCE AND VOLCANO TELEPHONE COMPANY**  
**Current & Proposed Ownership Structure**

**Current Ownership**



**Proposed Ownership**





**CERTIFICATE OF SERVICE**

I, Daniel O. Ladmirault, a legal assistant in the law offices of Lukas, Nace, Gutierrez & Sachs, Chartered, do hereby certify that I have on this 27th day of January, 2004, sent by first class United States mail, copies of the foregoing Applications for Approval for Transfer of Control of Entity Holding Section 214 Authorizations for Resale of Domestic and International Telecommunications Services and of its Affiliated Local Exchange Carrier" to the following:

Governor Arnold Schwarzenegger  
State of California  
State Capitol Building  
Sacramento, CA 95814

Secretary of Defense  
Attention: Special Assistant for  
Telecommunications  
Pentagon  
Washington, D.C. 20301

Secretary Colin Powell  
Department of State  
2201 C Street, N.W., 7th Floor  
Washington, D.C. 20520

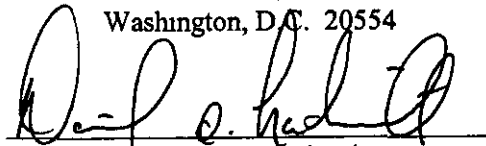
Cynthia Bryant, Attorney Advisor  
Policy Division  
International Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W., Room 7-A623  
Washington, D.C. 20554

William Dever, Assistant Division Chief  
Wireline Competition Bureau  
Competition Policy Division  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W., Room 5-C266  
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Julie Veach, Assistant Division Chief  
Wireline Competition Bureau  
Competition Policy Division  
Federal Communications Commission  
445 12<sup>th</sup> Street S.W., Room 5-C124  
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445 12<sup>th</sup> Street S.W., Room 5-C207  
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Competition Policy Division  
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Washington, D.C. 20554

  
Daniel O. Ladmirault